

motion on the Enrollment and Review...

SENATOR WITHEM: I move the adoption of the E & R amendments.

PRESIDENT MOUL: You've heard the motion to adopt the E & R amendments. All those in favor please say aye. Opposed nay. E & R amendments are adopted.

CLERK: Madam President, Senator Wickersham would move to amend. Senator, I have AM2410 in front of me.

PRESIDENT MOUL: Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Madam President. Members of the body, the amendment was filed a couple of days ago. It has not been printed. It is bulky, to say the least. It is 137 pages...Thank you, Senator Bohlke. (Laughter.) The amendment is 137 pages in length. Now, I don't wish to alarm you by that statistic. What the amendment is, is the text of LB 511, as adopted last year, with a few minor changes. Now, the changes in the amendment are necessary...are necessitated by bill drafters requirement that you actually change a word in each Section, if you're going to have an amendment. The only substantive portion in the amendment is included on the little handout that you have on your desk this morning, which is a savings clause, a savings clause. And the savings clause is in there because of a Supreme Court decision in the Zyburu case, decided after we adjourned last year. In the Zyburu case the judge who wrote the opinion took the trouble to advise us that perhaps we had a constitutional defect in the method used to enact 511 last year. For example, the justice points out that on the last legislative day, two days after its metamorphosis, and you remember 511 was originally 719, LB 511 was professedly voted into law with the emergency clause. The justice points out to us that the Nebraska Constitution requires that a bill be before the Legislature for five days. Well, I don't happen to agree with the justice that there is any defect, if you will, in the procedures used to enact 511, because 511 was originally 719, and was certainly before the Legislature for more than the required five days. However, 511 was a very complex, very important piece of legislation. And I simply do not wish to take any chances that it was adopted in a constitutionally unpermitted fashion. The risk that we would run, if it was adopted in an unconstitutional fashion, is that none of the provisions in the bill could be used. It isn't...wouldn't be an